



AP/1646

JGw

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Douglas N. Ishii

Serial No.: 08/571,802

Filing Date: December 13, 1995

For: METHOD FOR EFFECTING
CHANGES IN THE CENTRAL
NERVOUS SYSTEM BY
ADMINISTRATION OF IGF-I OR
IGF-II

Attorney Docket: 10606.0019.CNUS01

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MAIL STOP APPEAL BRIEF--PATENTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22315-1450, on the date below:	
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Date	Signature

REPLY BRIEF

MAIL STOP APPEAL BRIEF -- PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer dated March 24, 2004, appellant submits the following reply.

Objection to New Grounds of Rejection

Appellant objects to the Examiner's Answer as improper because it contains a new ground of rejection, which is prohibited under MPEP § 1208.01. The Examiner's Answer provides new bases for the rejection under 35 U.S.C. § 112, first paragraph. More particularly, at pages 6-8 of the Examiner's Answer there is a 3-page discussion of several references that were never cited previously as a basis for the rejection under 35 U.S.C. § 112, first paragraph. While

the rejection under 35 U.S.C. § 112, first paragraph, was previously presented, it did not include the extensive citation and discussion presented in the Examiner's Answer. (See Office Action dated February 7, 2003, pp. 4-6.) Accordingly, if the Patent Office seeks to pursue this new ground for rejection, prosecution must be reopened to provide appellant with a fair opportunity to present further argument and declaratory evidence.

Should any fees be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-2508/10606.0019.CNUS01.

Respectfully submitted,



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Date: May 24, 2004